

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

X CORP.,

Plaintiff,

V.

No. 7:24-cv-00114-B

WORLD FEDERATION OF ADVERTISERS;

MARS, INCORPORATED;

CVS HEALTH CORPORATION;

ØRSTED A/S;

NESTLÉ S.A.; NESTLE USA, INC.;

ABBOTT LABORATORIES;

COLGATE-PALMOLIVE COMPANY;

LEGO A/S; LEGO BRAND RETAIL, INC.;

PINTEREST, INC.;

TYSON FOODS, INC.;

SHELL PLC; SHELL USA, INC.; AND

SHELL BRANDS INTERNATIONAL AG,

Defendants.

DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

TO THE HONORABLE JANE J. BOYLE, UNITED STATES DISTRICT JUDGE:

Defendants file this Motion to Dismiss for Failure to State a Claim (the “***Motion***”), respectfully requesting that the Court dismiss all of Plaintiff X Corp.’s (“***X***”) claims against Defendants under Fed. R. Civ. P. 12(b)(6) for the following reasons:

1. X does not state a claim under the Sherman Act for group boycott;
2. X does not state a claim under the Sherman Act for conspiracy to exchange information; and
3. X's Complaint relies on impermissible group pleading.

Defendants are contemporaneously filing with this Motion their Brief in Support of Motion to Dismiss for Failure to State a Claim (the “Brief”), which contains the Court-required statement of facts and legal argument detailing Defendants’ Fed. R. Civ. P. 12(b)(6) grounds listed above.

For the reasons set forth in this Motion and the Brief, Defendants respectfully request the Court grant this motion and dismiss the claims against Defendants with prejudice for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

Dated: May 14, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ Russ Falconer

Russ Falconer